

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

MARIA D. MARTINEZ,

Plaintiff,

v.

CV 07-566 MV/CG

MICHAEL J. ASTRUE, Commissioner  
of Social Security Administration,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

The Magistrate Judge filed her Proposed Findings and Recommended Disposition on April 18, 2008. *See Doc 17*. The Proposed Findings and Recommended Disposition recommends that the Court deny Plaintiff's Motion to Reverse or Remand Administrative Decision. *Id.* at 9. On April 27, 2008, Plaintiff filed objections to the Proposed Findings and Recommended Disposition. *See Doc. 18*.

The Court has carefully reviewed Plaintiff's objections de novo, as well as the relevant evidence in the record, and finds the objections to be without merit. First, the record shows that the ALJ properly considered Dr. Gurule's May 8, 2006 letter. Second, the ALJ's RFC determination and step five determination are supported by substantial evidence. Thus, any errors at phase two and three of step four were clearly harmless. Third, the ALJ's RFC determination was not in conflict with the jobs and duties the vocational expert testified Plaintiff could perform.

Wherefore,

IT IS HEREBY ORDERED THAT:

- 1) the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 17) are adopted;
- 2) Plaintiff's Motion to Reverse or Remand Administrative Decision (Doc. 12) is denied; and
- 3) this action is dismissed with prejudice.

A handwritten signature in black ink, appearing to read "Maguire", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE